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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/728,215	11/29/2000	Karl M. Bizjak	51992-008

CONFIRMATION NO. 6535

FORMALITIES LETTER



OC000000005736301

James E. Eakin
McDermott, Will & Emery
2700 Sand Hill Road
Menlo Park, CA 94025

Date Mailed: 02/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/09/2001 SDIRETA1 00000111 500385 09728215

FILED UNDER 37 CFR 1.53(b)

01 FC:201	12.00 CH
02 FC:202	40.00 CH
03 FC:205	65.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is insufficient.
Applicant must submit \$ 12 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$40.
 - \$40 for 3 independent claims over 3 .
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 117.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

The following item(s) appear to have been omitted from the application:

- Figure(s) Fig 1F described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of ~~this~~ notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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McDERMOTT, WILL & EMERY

April 3, 2001

BOX: NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

RE: Response to Notice to File Corrected Application Papers
Applicant: Karl M. Bizjak
Serial No: 09/727,259
Filed: November 29, 2000
Our file: 51992-008

Dear Sir/Madam:

Applicant herewith responds to the Notice to File Corrected Application Papers mailed February 5, 2001, by submitting the following documents:

1. Copy of Notice to File Corrected Application Papers;
2. Preliminary Amendment;
3. Version With Markings to Show Changes Made;
4. Express Mail Label No:EE159256556US
5. Transmittal letter; and
6. Return postcard.

The Assistant Commissioner is hereby and directed to charge any applicable fees and/or credit any overpayment to deposit account no. 50-0385.

Very truly yours,

James E. Eakin
Reg. No. 27,874
JEE:bem
Enclosures